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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/528,220

03/18/2005

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SGI-0084-PCT-US

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22827 7590 02/18/2010  
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EXAMINER

LIGHTFOOT, ELENA TSOY

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

02/18/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### ***Advisory Action***

The Request for Reconsideration filed on February 5, 2010 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance for the reasons of record set forth in the Final Office Action mailed on 12/02/2009.

### ***Response to Arguments***

Applicant's arguments filed February 5, 2010 have been fully considered but they are not persuasive.

(A) Applicants argue that by sharp contrast to claimed invention, none of the cited references teach or suggest forming an energy-curable oligomer layer having an outer surface and applying an ink to such outer surface, and applying another energy-curable oligomer layer over the outer surface. For instance, Sekioka et al. describes an ink composition that is formed, in part, with a curing resin composition. Col. 2, lines 61-65; Col. 8, lines 5-10. The Final Office Action describes that Sekioka et al. discloses a method in which a "UV curable ink resin composition" is applied to a plastic substrate and then another "UV curable resin" is applied to the ink. The UV curable ink resin layer differs from the presently pending claims, which require forming an energy-curable oligomer layer, and then applying an ink to the outer surface of such layer. Importantly, the ink composition of Sekioka et al. is not applied to the outer surface of an energy-curable oligomer layer, as required by the pending claims, but is instead applied directly to a plastic substrate. In other words, there is absolutely no teaching or suggestion in Sekioka et al. of an energy-curable oligomer layer being formed, after which an ink is applied to the surface of such layer, after which another energy-curable layer is formed and applied to the surface of such layer. Kubota et al., Uematsu, and Danelski fail to remedy this deficiency.

The Examiner respectfully disagrees with this argument. The Office Action mailed on 7/29/2009 stated:

"Sekioka et al discloses a method of making game tickets or cards (See column 9, lines 50-53) comprising applying UV curable ink resin composition to a plastic substrate (See column 2, lines 32-33), curing the ink coating layer to form a **latent image** (See column 3, lines 15-18); applying UV curable resin to the cured ink layer to provide a protective film that is *hard* and tough, water-resistant, fouling resistant and scratch-resistant, and capable of protecting the latent image (See column 8, lines 5-28).

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Sekioka et al fails to teach that: (i) the protective film is formed from three layers (ii) by *partially* curing an applied layer before applying a subsequent layer followed by simultaneous curing of partially cured layers (Claim 25).

As to three-layer protective film, Kubota et al teaches that it is desirable to form a hard film 6, 9 for protecting an optical plastic card (See column 1, lines 4-8) from two (See Fig. 2), **three** (See Figs. 3, 4; Abstract), four or five layers (See column 9, lines 52-55), each layer being formed by applying a coating composition comprising radiation curable *oligomer* (See column 8, lines 1-4, 62-66; column 9, lines 3-7) to achieve resistance to abrasion at lowered warpage (See column 7, lines 736)".

Thus, Applicants confused the discussion in Sekioka et al of UV curable ink resin composition applied to a plastic substrate to form a **latent** image with the ink layer applied within three protective layers of radiation curable *oligomer* of Kubota (i.e. applying the ink of the visible image onto radiation curable *oligomer*, as required by pending claims) to form a **visible** image, as taught by Danielski.

(B) Applicants assert that even if the other references remedied the deficiencies of Sekioka et al. (which Applicants do not believe to be the case), Sekioka et al. teaches away from the limitations of the pending claims. As described in the previous response, the purpose of the protective film of Sekioka et al. is to prevent anything from concealing the ink composition underneath. Such a film teaches away from the presently pending claims in that the claims require applying an ink to an outer surface of the claimed first or second layer. The description of Sekioka et al. expressly teaches away from such a modification in that an ink composition is already present underneath the protective film and used to form a latent image. The description makes it clear that the protective film is designed to prevent obstructions from blocking the covered ink composition.

The argument is unconvincing because: first, visible image does not cover the whole surface of cards, and second, it would be obvious to one of ordinary skill in the art to apply visible image such that it would not cover the latent image to be able to detect the latent image without interference from the visible image.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELENA Tsoy LIGHTFOOT whose telephone number is

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(571)272-1429. The examiner can normally be reached on Monday-Friday, 9:00AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Elena Tsoy Lightfoot, Ph.D.  
Primary Examiner  
Art Unit 1792

February 18, 2010

/Elena Tsoy Lightfoot/